

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: :
- against - : 19-CR-93 (VEC)
: :
TYMEEKE JOHNSON, : : ORDER
: :
Defendant. : :
: :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on August 31, 2021, the parties appeared for a hearing on Mr. Johnson's alleged violations of the terms of his Probation;

WHEREAS at the hearing, Mr. Johnson admitted the second specification, use of a controlled substance (marijuana), in Probation's September 16, 2020 report;

WHEREAS Mr. Johnson made a number of commitments to the Court regarding his participation in mental health treatment and his completion of community service, among other commitments, *see* Order, Dkt. 81; Hearing Tr., Dkt. 82;

WHEREAS Mr. Johnson expressly acknowledged that if he fails to keep any of the commitments, then the Court will proceed directly to sentencing, *id.*;

WHEREAS on October 25, 2021, Probation reported that on or about October 9, 2021, Mr. Johnson was arrested and that according to the police report, NYPD officers recovered a loaded gun within his reach;

WHEREAS Probation reported that Mr. Johnson was adamant that he was not carrying a knife or firearm during the incident that led to his arrest;

WHEREAS Probation reported that there are no scheduled appearances in state court related to Mr. Johnson's arrest and at this time, it appears the Bronx County District Attorney's office is not pursuing charges;

WHEREAS on January 21, 2022, the Government reported that the DNA analysis of the gun was not complete and that "there was not a more definite timeline for completion," Dkt. 89; and

WHEREAS on January 21, 2022, Probation reported that Mr. Johnson has not completed any community service since October 27, 2021 and that his attendance and participation in mental health treatment at Samaritan Dayton-New Beginnings has been minimal;

IT IS HEREBY ORDERED that Mr. Johnson's sentencing on the violation of Probation, currently scheduled for Tuesday, March 8, 2021 at 11:00 A.M., is changed to **Thursday, February 24, 2022 at 11:00 A.M.** Sentencing submissions are due **Tuesday, February 10, 2022**. Given the lack of clear information about whether Mr. Johnson was carrying a weapon during the incident that led to his arrest, the Court will not consider the weapon or the arrest in sentencing Mr. Johnson, absent more definitive proof that he was in possession of a weapon at that time.

IT IS FURTHER ORDERED that, if a term of imprisonment is imposed, the Court will immediately remand Mr. Johnson unless he presents proof at the time of sentencing that he has received at least one dose of the COVID vaccine prior to that date.

IT IS FURTHER ORDERED that the sentencing will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. Per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, any person who appears at any SDNY courthouse must complete a questionnaire and have his or her temperature taken. Only those individuals who meet the entry requirements established by the

questionnaire will be permitted entry. Additionally, any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which further pertains to courthouse entry.

SO ORDERED.

Dated: January 24, 2022
New York, New York

Valerie Caproni

VALERIE CAPRONI
United States District Judge